

**TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES
APRIL 6, 2010**

*Filed with
Town Clerk
April 14, 2010*

6:30PM
TOWN HALL MEETING ROOM

Members Present: Lance Muir, Angela Piersimoni, Jim Ormiston, Scott Esty, Bob Byland, Dave Seely

Members Absent: Carl Masler

Staff Present: Steve Polzella, Director of Planning, Brenda Belmonte, Secretary

Guests: Brad Kapral, Ron Cobb, James Gensel, Ted Ostrander, Teresa Dean, Chris Dean

Chair Muir called the meeting to order at 6:30pm, noting member Carl Masler was absent.

Polzella explained that at the executive committee meeting the issue was raised as to whether town code requires a full town spec road in a subdivision. He subsequently consulted with several people, including engineers, town staff, and town attorneys. In conclusion it was determined that a drive in a subdivision, which accesses a number of lots, would be minimally classified as a private road that could be made public (with added improvements), if dedicated to the town. A private road would require drainage base and gravel per town specs. It would be classified as a private road, but would not be built completely to town specs. If the applicant were to dedicate it to the town it would then need to be built to town specs; that review process would include the planning board and the public works department.

MINUTES

March 2, 2010

**Motion by Esty, seconded by Muir to approve the minutes of March 2, 2010,
Discussion, None, Motion Carries 5-0 with Ormiston abstaining.**

**RESOLUTION P-2010-15
Kapral SEQRA
Tax Parcel 67.03-3-8.1
Kahler Rd.**

Resolution by: Ormiston
Seconded by: Byland

WHEREAS this Board has received an application for Subdivision and Site Plan review on March 24, 2010; and

WHEREAS the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, March 30, 2010, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW, THEREFORE BE IT RESOLVED the Planning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Esty, Muir, Piersimoni, Ormiston, Byland, Seely
NAYS:

Dated: Tuesday, April 6, 2010
BIG FLATS, NEW YORK
By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2010-16
Kapral Subdivision/Site Plan
Tax Parcel 67.03-3-8.1
Kahler Rd.

Resolution by: Byland
Seconded by: Ormiston

WHEREAS, this Board has received an application for subdivision and site plan review on March 24, 2010; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plat for January 5, 2010;

NOW, THEREFORE BE IT RESOLVED, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plat for May 4, 2010 at 6:30 pm.

CARRIED: **AYES:** Esty, Muir, Piersimoni, Ormiston, Byland, Seely
NAYS:

Dated: Tuesday, April 6, 2010

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Jamie Gensel, Fagan Engineers, explained details of the proposal, which includes three rental duplexes, one central drive, and a one-way cul-de-sac. The plan also includes a 6-inch water main for public water. It is understood that the town DPW would like to upsize the water main and the applicant is willing to discuss cost sharing. The preference is to have one septic system; requirements will be discussed with the health department.

Byland questioned whether existing homes would be allowed to connect to the public water.

Gensel said that would need to be discussed further.

Byland feels that "Unit 1" should include a significant landscaping buffer towards the existing neighboring residence.

Brad Kapral, applicant, stated that his plan is to build an area that people will feel proud to call home; he takes the landscaping buffers very seriously.

RESOLUTION P-2010-17
Squires Subdivision Tabled
Tax Parcel 66.00-1-67
Davenport Rd.

Resolution by: Byland

Seconded by: Seely

WHEREAS the Town of Big Flats Planning Board received an application for subdivision approval; and

WHEREAS the Town of Big Flats Planning Board reviewed a Staff Report dated March 30, 2010 at their regularly scheduled meeting, April 6, 2010; and

WHEREAS the applicant was not present at the regularly scheduled meeting, April 6, 2010; and

WHEREAS the planning board identified a number of concerns with the application;

NOW, THEREFORE BE IT RESOLVED the Town of Big Flats Planning Board tables the proposed action pending the following outstanding issues:

- **Road Design**
- **SWPPP acceptance**

- **Drainage**
- **Wetland/Flood mitigation**
- **SEQR**
- **Applicable Documentation (i.e. Army Corps, Chemung County Dept. of Health)**
- **Applicant Representation at meeting**

CARRIED: AYES: Esty, Muir, Piersimoni, Ormiston, Byland, Seely
NAYS:

Dated: Tuesday, April 6, 2010
 BIG FLATS, NEW YORK
 By order of the Planning Board of the Town of Big Flats
 Lance Muir
 Chairman, Planning Board

Polzella noted that there was no one in attendance to represent the application. The recommendation is to table with comments. Polzella referred to a letter submitted by Larry Wagner, DPW, which addresses concerns with the proposed road. We will need documentation as to whether the proposed development is in an Army Corp wetland. Specific drawings are also needed for drainage.

RESOLUTION P-2010-18
Dandy Mini-Mart Site Plan
Tax Parcel 76.00-2-10.112

Resolution by: Ormiston
 Seconded by: Piersimoni

WHEREAS this Board has received an application for site plan review on March 18, 2010; and

WHEREAS the Town of Big Flats Planning Board has reviewed the submitted materials in accordance with Chapter 17.32 of the Town of Big Flats Municipal Code; and

WHEREAS the Town of Big Flats Department of Planning has provided a staff report dated March 30, 2010 to be forwarded to the applicant as the finding of fact through the preliminary review; and

WHEREAS the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P77-2006;

NOW, THEREFORE BE IT RESOLVED the Town of Big Flats Planning Board accepts the Site Plan stamped "Received Town of Big Flats Planning Board" March 18, 2010 as a preliminary plan; and

FURTHER RESOLVED the Town of Big Flats will forward this site plan application to the Chemung County Planning Board for required review.

CARRIED: AYES: Esty, Ormiston, Piersimoni, Muir, Seely, Byland
NAYS:

Dated: Tuesday, April 6, 2010
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Ron Cobb with Hawk Engineering reviewed the revised design. The changes include replacing all underground tanks and adding a diesel island. The previously planned bank has been eliminated for better traffic flow and the loading zone has been placed in the back as recommended.

Esty asked if the store would remain in operation during construction.

Cobb said yes; the construction area will be roped off to the public.

RESOLUTION P-2010-19
Ted's Produce Site Plan Amendment
Tax Parcel 66.04-3-30.3

Resolution by: Byland
Seconded by: Seely

WHEREAS the Town of Big Flats Planning Board granted final conditional approval, Resolution P-2009-40, May 5, 2009; and

WHEREAS the Town of Big Flats Planning Board has reviewed materials presented at a regularly scheduled meeting April 6, 2010; and

WHEREAS the applicant has requested to replace the previously approved "tent" with a permanent structure; and

WHEREAS the following shall serve as finding of fact :

- Proposed site plan includes the construction of an ~1,000 sq. ft. pole barn to replace a previously approved tent
- Proposed site plan amendment indicates the continuation of obtaining access from Winters Road with posted "Enter" & "Exit" signs
- Proposed site plan amendment contains an existing electric service
- Proposed site plan amendment includes the addition of a permanent water service no later than August 31, 2010

- Proposed site plan amendment does not call for the addition, alteration or expansion of any outdoor lighting
- Proposed site plan amendment does not call for the intentional increase in noise to be produced
- Proposed site plan amendment would continue to utilize a 40' x 80' off-road gravel parking area for customer/employee parking
- Proposed site plan amendment includes moss green siding and dark burgundy roofing
- Proposed site plan amendment should not create a significant increase in traffic on site. The applicant has estimated the seasonal customers to be 15-40 during peak hours; and

WHEREAS the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact; and

NOW, THEREFORE BE IT RESOLVED the Town of Big Flats Planning Board has reviewed a Site Plan Amendment dated April 6, 2010, and determined said amendment not to produce a significant change in performance of the development under the following conditions:

- The applicant understands and agrees that a permanent water service with RPZ cross connection device shall be installed meeting all state and local requirements no later than August 31, 2010
- The location of any waste disposal containers and/or portable restroom facilities will be at the northwest corner of the site and will be screened with 6' high privacy fence and landscaping
- The Town of Big Flats Department of Planning shall be notified prior to any changes to the property and/or site plan
- Failure to comply with this conditional approval shall render said approval null and void

CARRIED: AYES: Seely, Byland, Esty, Muir, Ormiston, Piersimoni
NAYS:

Dated: Tuesday, April 6, 2010
 BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
 Lance Muir
 Chairman, Planning Board

Polzella explained that the previous tent was destroyed during a recent storm. The question was raised whether or not a full site plan review would be required to amend the tent approval to allow a formal structure. It was enough change that staff was uncomfortable agreeing to it without presenting it to the board. Polzella reviewed the proposed resolution addressing requirements including the RPZ connection. Approval is recommended with the noted conditions.

Muir stated that the RPZ connection was a direct condition of the previous approval. The proposed resolution would allow the applicant more time and does not require a complete review process.

Request for Zoning Amendment

Dan Kliegel, 104 Hibbard Rd., is here to speak with the board about a potential amendment to the zoning of his property. Mr. Kliegel has had a machine shop since 1989 and is currently exploring the idea of building mini-storage.

Polzella feels the BR district could easily be extended, which would allow for more uses. The alternative would be to apply for a use variance, which would most likely not be supported.

MEMBERS COMMENTS

Polzella explained that within the past four months, a few items of the new zoning change have been discovered that need addressing. The following amendments are presented for review (specific details noted in memo).

1. To allow indoor amusement.
2. A change in Section 1756.050 regarding non-conforming lots (of record) in the general / business use.
3. Adding small vehicle sales (not more than 10) in the noted zones, and modify language in the bulk and density.
4. Two map changes; one as presented by Mr. Kliegel, and one in the BN area on Hendy Creek Road.
- 5.

Projects status update.

Motion to adjourn at 8:25pm by Seely, seconded by Piersimoni, Discussion, None, Motion Carries 6-0.

Meeting adjourned at 8:26pm